

SEP 07 2006

Docket No. NG(ST)7015-1

Serial No. 10/662,255

BEST AVAILABLE COPY**REMARKS**

Claims 50-70 are currently pending in the subject application, and are presently under consideration. Claims 50, 52-54, 56, 57, 59, 60, 62, 63, 65, and 67-69 are rejected. Claims 51, 55, 58, 61, 64, 66, and 70 have been indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Favorable reconsideration of the application is requested in view of the comments herein.

I. Rejection of Claims 50, 52-54, 56, 57, 59, 60, 62, 63, 65, and 67-69 Under 35 U.S.C. §102(e)

Claims 50, 52-54, 56, 57, 59, 60, 62, 63, 65, and 67-69 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,377,561 to Black, et al. ("Black"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 50 recites a controller operative to dynamically and asymmetrically assign uplink bandwidth between the plurality of user terminals and the gateway via a signaling channel. The Office Action dated July 12, 2006 ("Office Action"), asserts that Black teaches an on-board switching system (OBSS) that is capable of performing the above recited element of claim 50 (Office Action, pages 2-3; citing Black, col. 7, ll. 34-50; col. 20, line 40 through col. 21, line 3; col. 21, ll. 41-60). Representative for Applicant respectfully disagrees.

Black teaches a satellite communication system that optimizes dynamic bandwidth-on-demand on a cell-by-cell basis (Black, Abstract). Black also teaches that a high-capacity TDMA uplink is used for a public network feeder link provided by a gateway, such that a service provider can be provided with a high rate of access of 65.536 megabit/second via the gateway (Black, col. 6, ll. 17-27). Black further teaches that each 65.536 megabit/second feeder uplink is time-shared between four spot beams (Black, col. 7, ll. 30-33; FIG. 3c). In allocating uplink bandwidth, Black teaches that capacity is redistributed to match geographic and temporal traffic loading variations over the group of four spot beams via an IF switching matrix (Black, col. 20, ll. 53-56). The gateway, as taught by Black, thus has a fixed uplink bandwidth (65.536 megabit/second) and is used to feed the four spot beams. As such, the gateway taught by Black

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does not have a dynamic uplink bandwidth assignment. Black therefore does not teach that uplink bandwidth is dynamically and asymmetrically assigned between a plurality of user terminals and a gateway, as recited in claim 50, but instead teaches that uplink bandwidth is dynamically allocated between four spot beams that are fed by a static gateway uplink. Accordingly, Black does not anticipate claim 50. Withdrawal of the rejection of claim 50, as well as claims 52-54 which depend therefrom, is respectfully requested.

Claim 53 depends from claim 50, and thus should be allowed for at least the reasons described above regarding claim 50. In addition, claim 53 recites that the controller assigns a plurality of uplinks to the plurality of user terminals and to the gateway for communication with the satellite, each of the plurality of uplinks having an associated bandwidth. As described above, Black does not teach that uplink bandwidth is dynamically and asymmetrically assigned between a plurality of user terminals and a gateway, as recited in claim 50, but instead teaches that uplink bandwidth is dynamically allocated between four spot beams that are fed by a static gateway uplink. Therefore, Black also does not teach assignment of a plurality of uplinks to the gateway for communication with the satellite, as recited in claim 53. Accordingly, Black does not anticipate claim 53. Withdrawal of the rejection of claim 53, as well as claim 54 which depends therefrom, is respectfully requested.

Claim 54 depends from claim 53, and thus should be allowed for at least the reasons described above regarding claim 53. In addition, claim 54 recites that the controller assigns a portion of the plurality of uplinks to the plurality of user terminals and a remaining portion of the plurality of uplinks to the gateway based on a determination of an optimal allocation of the plurality of uplinks. As described above regarding claim 53, Black does not teach assignment of a plurality of uplinks to the gateway for communication with the satellite. Therefore, Black also does not teach that the controller assigns a portion of the plurality of uplinks to the plurality of user terminals and a remaining portion of the plurality of uplinks to the gateway based on a determination of an optimal allocation of the plurality of uplinks, as recited in claim 54. Accordingly, Black does not anticipate claim 54. Withdrawal of the rejection of claim 54 is respectfully requested.

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Claim 56 recites assigning a first portion of the uplink bandwidth dynamically to the gateway and assigning a second portion of the uplink bandwidth dynamically to the plurality of user terminals. For the reasons stated above regarding claim 50, Black does not anticipate claim 56. Withdrawal of the rejection of claim 56, as well as claims 57, 59, and 60 which depend therefrom, is respectfully requested.

Claim 59 depends from claim 56, and thus should be allowed for at least the reasons described above regarding claim 56. In addition, claim 59 recites that assigning the first and second portions of the uplink bandwidth comprises assigning a plurality of uplinks to the plurality of user terminals and to the gateway for communication with the satellite, each of the plurality of uplinks having an associated bandwidth. For the reasons stated above regarding claim 53, Black does not anticipate claim 59. Withdrawal of the rejection of claim 59, as well as claim 60 which depends therefrom, is respectfully requested.

Claim 60 depends from claim 59, and thus should be allowed for at least the reasons described above regarding claim 59. In addition, claim 60 recites that assigning the first and second portions of the uplink bandwidth comprises assigning a portion of the plurality of uplinks to the plurality of user terminals and assigning a remaining portion of the plurality of uplinks to the gateway based on the determined optimal allocation of the uplink bandwidth. For the reasons stated above regarding claim 54, Black does not anticipate claim 60. Withdrawal of the rejection of claim 60 is respectfully requested.

Claim 62 recites a controller operative to dynamically assign a plurality of uplinks to the plurality of user terminals and to the gateway for communication with the satellite, each of the plurality of uplinks having an associated bandwidth, such that a portion of the plurality of uplinks is assigned to the plurality of user terminals and a remaining portion of the plurality of uplinks is assigned to the gateway, the assignment being based on a determination of an optimal allocation of the plurality of uplinks. For the reasons stated above regarding claims 50, 53, and 54, Black does not anticipate claim 62. Withdrawal of the rejection of claim 62, as well as claims 63 and 65 which depend therefrom, is respectfully requested.

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Claim 67 recites means for dynamically assigning a first portion of the uplink bandwidth to the gateway and for dynamically assigning a second portion of the uplink bandwidth to the plurality of user terminals for communicating with a satellite. For the reasons stated above regarding claim 50, Black does not anticipate claim 67. Withdrawal of the rejection of claim 67, as well as claims 68 and 69 which depend therefrom, is respectfully requested.

Claim 69 depends from claim 67, and thus should be allowed for at least the reasons described above regarding claim 67. In addition, claim 69 recites that the means for dynamically assigning the uplink bandwidth assigning a portion of the plurality of uplinks to the plurality of user terminals and a remaining portion of the plurality of uplinks to the gateway based on the determination of the optimal allocation of the plurality of uplinks. For the reasons stated above regarding claim 54, Black does not anticipate claim 69. Withdrawal of the rejection of claim 69 is respectfully requested.

For the reasons described above, claims 50, 52, 54, 56, 57, 59, 60, 62, 63, 65, and 67-69 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

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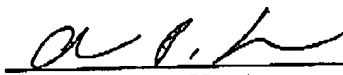
CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests reconsideration of this application and that the application be passed to issue.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

Date

9-7-06

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